

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 16, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
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To amend, on an emergency basis, due to Congressional review, An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to change the definitions for the terms firearm, machine gun, pistol, and sawed-off shotgun, to provide definitions for the terms shotgun and place of business, to make discharging a weapon without a permit from the Chief of Police a misdemeanor offense, to provide that the District and private persons may prohibit or restrict the possession of firearms on their property, to prohibit carrying rifles and shotguns in the District except in limited circumstances and to provide penalties for violations of the prohibition that are equivalent to those for unlawfully carrying a pistol, to allow for the transportation of firearms in limited circumstances and in a prescribed manner, to repeal the authority of the Chief of Police to issue licenses for the carrying of pistols, and to change the waiting period for delivery of a purchased pistol from 2 to 10 days; and to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inoperable Pistol Congressional Review Emergency Amendment Act of 2009".

Sec. 2. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501.01 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

"(2A) 'Firearm' means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive. The term 'firearm' shall not include:

Amend
§ 22-4501

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“(1) A destructive device as that term is defined in section 101(7) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(7));

“(2) A device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or

“(3) A device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.”.

(2) Paragraph (4) is amended to read as follows:

“(4) “Machine gun” shall have the same meaning as provided in section 101(10) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(10)).”.

(3) Paragraph (6) is amended to read as follows:

“(6) “Pistol” shall have the same meaning as provided in section 101(12) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(12)).”.

(4) A new paragraph (6A) is added to read as follows:

“(6A) “Place of business” shall have the same meaning as provided in section 101(12A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(12A)).”.

(5) A new paragraph (7A) is added to read as follows:

“(7A) “Registrant” means a person who has registered a firearm pursuant to the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 et seq.).”.

(6) Paragraph (8) is amended to read as follows:

“(8) “Sawed-off shotgun” shall have the same meaning as provided in section 101(15) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(15)).”.

(7) A new paragraph (9A) is added to read as follows:

“(9A) “Shotgun” shall have the same meaning as provided in section 101(16) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(16)).”.

(b) New sections 3a and 3b are added to read as follows:

“Sec. 3a. Unlawful discharge of a firearm.

“Except as otherwise permitted by law, including legitimate self-defense, no firearm shall be discharged or set off in the District of Columbia without a special written permit from the Chief of Police issued pursuant to Section 1 of Article 9 of the Police Regulations of the District of Columbia, effective September 29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1).

“Sec. 3b. Prohibition of firearms from public or private property.

“(a) The District of Columbia may prohibit or restrict the possession of firearms on its property and any property under its control.

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“(b) Private persons or entities owning property in the District of Columbia may prohibit or restrict the possession of firearms on their property; provided, that this subsection shall not apply to law enforcement personnel when lawfully authorized to enter onto private property.”.

(c) Section 4 (D.C. Official Code § 22-4504) is amended by adding a new subsection (a-1) to read as follows:

Amend
§ 22-4504

“(a-1) Except as otherwise permitted by law, no person shall carry within the District of Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the criminal penalties set forth in subsection (a)(1) and (2) of this section.”.

(d) New sections 4a and 4b are added to read as follows:

“Sec. 4a. Authority to carry firearm in certain places and for certain purposes.

“Notwithstanding any other law, a person holding a valid registration for a firearm may carry the firearm:

“(1) Within the registrant’s home;

“(2) While it is being used for lawful recreational purposes;

“(3) While it is kept at the registrant’s place of business; or

“(4) While it is being transported for a lawful purpose as expressly authorized

by

District or federal statute and in accordance with the requirements of that statute.

“Sec. 4b. Lawful transportation of firearms.

“(a) Any person who is not otherwise prohibited by the law from transporting, shipping, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry the firearm to any other place where he may lawfully possess and carry the firearm if, during transportation, the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of the transporting vehicle.

“(b) If the transporting vehicle does not have a compartment separate from the driver’s compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

“(c) If the transportation is in a manner other than in a vehicle, the firearm shall be:

“(1) Unloaded;

“(2) Inside a locked container; and

“(3) Separate from any ammunition.”.

(e) Section 5(a) (D.C. Official Code § 22-4505(a)) is amended by striking the phrase “pistol unloaded and in a secure wrapper from” and inserting the phrase “pistol, transported in accordance with section 4b, from” in its place.

Amend
§ 22-4505

(f) Section 6 (D.C. Official Code § 22-4506) is repealed.

Repeal
§ 22-4506

(g) Section 8 (D.C. Official Code § 22-4508) is amended as follows;

Amend
§ 22-4508

(1) Strike the word “pistol” wherever it appears and insert the word “firearm” in its place.

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(2) Strike the phrase "48 hours" and insert the phrase "10 days" in its place.

(3) Strike the phrase "shall be securely wrapped and shall be unloaded" and insert the phrase "shall be transported in accordance with section 4b" in its place.

(h) Section 13 (D.C. Official Code § 22-4513) is amended by strike the phrase "section 2 and section 14(b)" and inserting the phrase "sections 2, 4(b), and 14(b)" in its place.

Amend
§ 22-4513

Sec. 3. Savings clause.

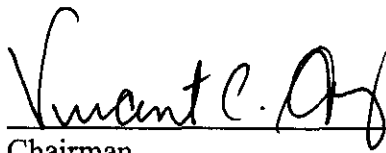
Nothing in section 2 shall affect any action, proceeding, or prosecution commenced before September 16, 2008. Any such action, proceeding, or prosecution shall continue, or may be enforced, in the same manner and to the same extent as if the amendment made by that section had not been made.

Sec. 4. Fiscal impact statement.

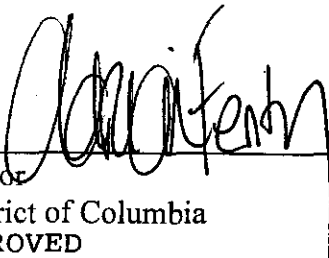
The Council adopts the December 8, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

March 16, 2009

Codification District of Columbia Official Code, 2001 Edition

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AN ACT
D.C. ACT 18-25IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To require, on an emergency basis, due to Congressional review, the Mayor to submit to the Council a comprehensive analysis of proposed child day care services and senior citizen programs to be offered by the Department of Parks and Recreation prior to the closing, discontinuing, or relocating of any child day care service or senior citizen program offered by the department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Day Care and Senior Services Congressional Review Emergency Act of 2009".

Sec. 2. Analysis of proposed child day care services and senior citizen programs.

(a) The Mayor shall submit to the Council a comprehensive analysis of proposed child day care services and senior citizen programs offered by the Department of Parks and Recreation prior to the closing, discontinuing, or relocating of any child day care or senior citizen program offered by the department.

(b) The analysis shall include:

- (1) A pedestrian safety and transportation option analysis for participants near proposed, closed, or discontinued locations to the nearest site with comparable services;
- (2) The possible effect, if any, on any federal funding of the closing, discontinuing, or relocating of services and programs; and
- (3) A plan to increase participation in the affected programs and services.

Sec. 3. Applicability.

This act shall apply as of March 19, 2009.

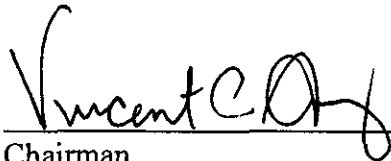
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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

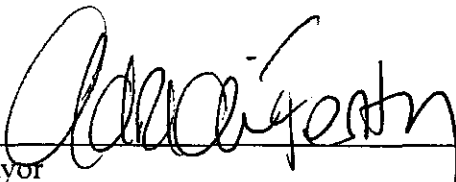
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

March 16, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-26

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 16, 2009*Codification
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To amend, on an emergency basis, due to Congressional review, the Public Education Reform Amendment Act of 2007 to clarify that the Office of Public Education Facilities Modernization is only authorized to direct and manage the modernization or new construction of District of Columbia Public Schools facilities as intended by the establishing statute.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Public Education Facilities Modernization Clarification Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended as follows:

**Note,
§ 38-453**

(a) Strike the phrase "Direct and manage the modernization or new construction of District of Columbia Public Schools ("DCPS") facilities" and insert the phrase "Be limited to directing and managing the modernization or new construction of only District of Columbia Public Schools ("DCPS") facilities, including sites that were in DCPS inventory on June 12, 2007, but are no longer DCPS facilities," in its place.

(b) Strike the phrase "facilities." and insert the phrase "facilities; provided further, that nothing shall prevent OFM from directing and managing the modernization of Stoddard Elementary School and Stoddard Recreation Center;" in its place.

Sec. 3. Applicability.

This act shall apply as of March 8, 2009.

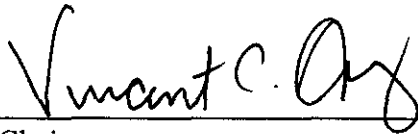
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

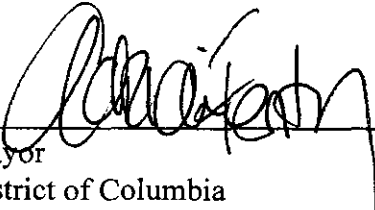
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 16, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-27

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the Continuation of Health Coverage Act of 2002 to provide that an employee shall have the right to continue coverage under the employer's health benefits plan for the length of time a subsidy is available under the American Recovery and Reinvestment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Continuation of Health Coverage Emergency Amendment Act of 2009".

Sec. 2. Section 3a of the Continuation of Health Coverage Act of 2002, effective June 25, 2002 (D.C. Law 14-149; D.C. Official Code § 32-732(a)), is amended by striking the phrase "3 months" and inserting the phrase "3 months, or for the period of time during which the employee is eligible for premium assistance under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5)" in its place.

*Note,
§ 32-732*

Sec. 3. Fiscal impact statement.

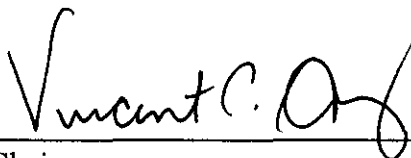
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

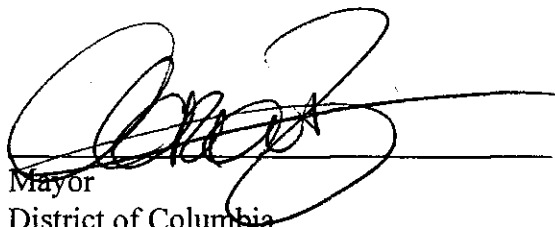
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 16, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 16, 2009

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To amend, on an emergency basis, due to Congressional review, the Washington Convention Center Authority Act of 1994 to reinsert lease provisions for the new convention center hotel, to authorize the grant of easements to and the use by the new convention center hotel of the new convention center vault space and real property titled in the name of the District in Squares 400, 402, and 424, and to authorize an underground airspace lease in addition to vault permits; to amend section 47-4609 of the District of Columbia Official Code to insert a phrase related to a tax exemption; and to approve the Hotel Development and Funding Agreement and the Pedestrian Connector Agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Technical Amendments Congressional Review Emergency Amendment Act of 2009".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 702 (D.C. Official Code § 10-1202.22) is amended by adding a new paragraph (6) to read as follows:

Note,
§ 10-1202.22

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease."

(b) Section 703 (D.C. Official Code § 10-1202.23) is amended by adding new paragraphs (5) and (6) to read as follows:

Note,
§ 10-1202.23

"(5) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the new convention center hotel.

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease."

ENROLLED ORIGINAL

(c) New sections 703a and 703b are added to read as follows:

“Sec. 703a. Use of new convention center vault space.

“(a) Notwithstanding any other provision of law, with respect to the airspace located below the portion of N Street, N.W., between 7th and 9th Streets, N.W., the portion of 9th Street, N.W., between and including N Street, N.W., and Massachusetts Avenue, N.W., and the adjoining sidewalks abutting the new convention center in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to permit Marriott International, Inc., or its designee to:

“(1) Use the new convention center’s access ramp and associated driveways and entrances thereto for such purposes as may be authorized by the Authority;

“(2) Construct, operate, and maintain within the airspace an access way from the new convention center’s access ramp and associated driveways for the purpose of entering and exiting from the proposed loading docks of the new convention center hotel and such other purposes as may be authorized by the Authority; and

“(3) Construct, operate, and maintain within such airspace a pedestrian connector between the new convention center hotel and the new convention center and for such other purposes as may be authorized by the Authority.

“(b) The agreement regarding the pedestrian connector authorized under subsection (a) of this section may provide that Marriott International, Inc., or its designee, shall be responsible for the operation and maintenance of the pedestrian connector and, if so provided, that the Authority shall pay 50% of the costs to operate and maintain the pedestrian connector.

“Sec. 703b. Grant of easements over District property.

“Notwithstanding any other provision of law, with respect to the lots in Squares 400, 402, and 424 titled in the name of the District in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways and entrances thereto, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to grant, as an appurtenance to the new convention center hotel site (including any public or private alleys closed or to be closed in connection with the development of the new convention center hotel), the following easements and uses:

“(1) An ingress and egress easement over and across the new convention center’s access ramp and associated driveways and entrances thereto for such purposes as may be authorized by the Authority; and

“(2) A temporary construction easement over the new convention center’s access ramp and associated driveways and entrances thereto for the construction of a pedestrian connector between the new convention center hotel and the new convention center, together with an easement for ingress and egress over and through the pedestrian connector to and from the new convention center hotel and the new convention center and for such other purposes as

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may be authorized by the Authority.”.

(d) Section 704 (D.C. Official Code § 10-1202.24) is amended to read as follows:

Note,
§ 10-1202.24

“Sec. 704. Authority for vault space permit or airspace lease.

“Notwithstanding any other provision of law, the Mayor may issue a permit or airspace lease to Marriott International, Inc., or its designee, for vault space or airspace adjacent to the real property subject to the leases authorized by sections 702 and 703, having a term not to exceed 99 years, or such longer period as may be otherwise determined by the Mayor, and at no additional rent or fee, except as may be otherwise determined by the Mayor, but otherwise in accordance with the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), as applicable.”.

Sec. 3. Section 47-4609(b) of the District of Columbia Official Code is amended by striking the period at the end and inserting the phrase “shall be exempt from the taxes imposed by §§ 42-1103 and 47-903” in its place.

Note,
§ 47-4609

Sec. 4. Contract approval.

Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the Hotel Development and Funding Agreement by and among the District of Columbia, Washington Convention Center Authority, and HQ Hotel, LLC, in an amount not to exceed \$187 million, the amount previously approved by the Council pursuant to the New Convention Center Hotel Omnibus Financing and Development Act of 2006, effective September 19, 2006 (D.C. Law 16-163; 53 DCR 5430), and the Pedestrian Connector Agreement by and between the Washington Convention Center Authority and HQ Hotel, LLC, as both a multiyear contract and a contract involving expenditures in excess of \$1 million during a 12-month period.

Sec. 5. Fiscal impact statement.

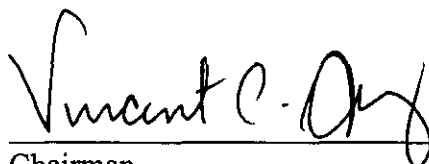
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

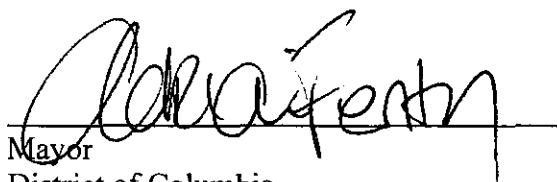
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
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March 16, 2009

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To amend, on an emergency basis, due to Congressional review, the District of Columbia Health

Occupations Revision Act of 1985 to permit pharmacists licensed in the District of Columbia to administer immunizations and vaccinations when certified by the Board of Pharmacy to do so, to amend the definition of the practice of pharmacy, to amend the definition of prescription to include approved electronic forms, and to allow pharmacists certified to administer vaccinations and immunizations to administer emergency anaphylactic treatment pursuant to an approved protocol.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pharmacy Practice Congressional Review Emergency Amendment Act of 2009".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 102(11) (D.C. Official Code § 3-1201.02(11) is amended as follows:

(1) Subparagraph (A) is amended to read as follows:

Note,
§ 3-1201.02

"(A) "Practice of pharmacy" means the interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices; drug and device selection; responsibility for advising and providing information, where regulated or otherwise necessary, concerning drugs and devices and their therapeutic values, content, hazards, and uses in the treatment and prevention of disease; responsibility for conducting drug-regimen reviews; responsibility for the proper and safe storage and distribution of drugs and devices; the administration of immunizations and vaccinations upon receipt of a written physician protocol and a valid prescription or standing order of a physician when certified by the Board of Pharmacy to do so; conducting health screenings, including obtaining finger-stick blood samples; the offering or performance of those acts, services, operations, and transactions necessary in the conduct, operation, management, and control of a pharmacy; and the maintenance of proper records therefor."

ENROLLED ORIGINAL

(2) Subparagraph (B)(ii) is amended by striking the phrase "in writing, dated" and inserting the phrase "in writing, or on an approved electronic form, dated" in its place.

(b) Section 208 (D.C. Official Code § 3-1202.08) is amended by adding new subsections (f) and (g) to read as follows:

Note,
§ 3-1202.08

"(f) An individual licensed to practice pharmacy pursuant to this act may administer immunizations and vaccinations only if certified to do so by the Board and only pursuant to a written protocol and valid prescription or standing order of a physician.

"(g) The Board and the Board of Medicine shall jointly develop and promulgate regulations to implement and regulate the administration of vaccinations and immunizations by pharmacists and to authorize pharmacists certified to administer vaccinations and immunizations to administer emergency anaphylactic reaction treatment pursuant to an approved physician-pharmacist protocol."

Sec. 3. Applicability.

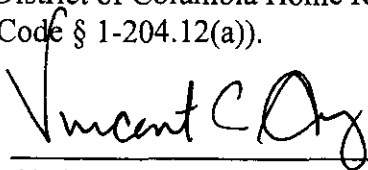
This act shall apply as of March 8, 2009.

Sec. 4. Fiscal impact statement.

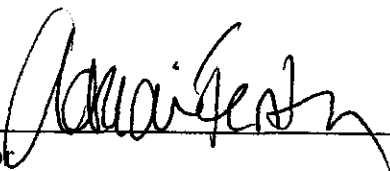
The Council adopts the fiscal impact statement for the Pharmacy Practice Amendment Act of 2008, signed by the Mayor on December 16, 2008 (D.C. Act 17-606; 56 DCR 23), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

March 16, 2009
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 16, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Neighborhood Investment Act of 2004 to expand the Neighborhood Investment Fund boundaries in Ward 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ward 4 Neighborhood Investment Fund Boundary Expansion Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 4(a)(6)(A) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1073(a)(6)(A)), is amended to read as follows:

*Note,
§ 6-1073*

“(6)(A) Target Area #6 -- Brightwood and Upper Georgia Avenue. The Brightwood and Upper Georgia Avenue target area is defined as starting at the corner of Kennedy Street, N.W., and 16th Street, N.W., north along 16th Street, N.W., to Alaska Avenue, N.W., northeast along Alaska Avenue, N.W., to Fern Street, N.W., east along Fern Street, N.W., to Georgia Avenue, N.W., north along Georgia Avenue, N.W., to Fern Place, N.W., east along Fern Place, N.W., to Blair Road, N.W., southeast along Blair Road, N.W., to Cedar Street, N.W., east on Cedar Street, N.W., to Carroll Street, N.W., east on Carroll Street, N.W., to Eastern Avenue, N.W., southeast on Eastern Avenue, N.W., to Willow Street, N.W., south on Willow Street, N.W., to Aspen Street, N.W., west on Aspen Street, N.W., to Blair Road, N.W., southeast on Blair Road, N.W., to North Capitol Street, N.E., south along North Capitol Street, N.E., to Kennedy Street, N.W., and west along Kennedy Street, N.W., to 13th Street, N.W., south along 13th Street, N.W., to Arkansas Avenue, N.W., south along Arkansas Avenue, N.W., to 16th Street, N.W., north on 16th Street, N.W., to Kennedy Street, N.W.”.

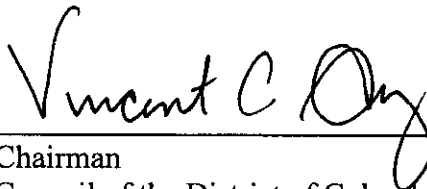
ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

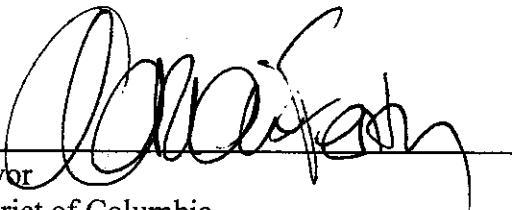
The Council adopts the fiscal impact statement for the Ward 4 Neighborhood Investment Fund Boundary Expansion Amendment Act of 2008, signed by the Mayor on December 17, 2008 (D.C. Act 17-605; 56 DCR 21), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
March 16, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 16, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Mortgage Lender and Broker Act of 1996 to provide for the District of Columbia's compliance with Title V of the Housing and Economic Recovery Act of 2008 by adding new definitions, providing for a new exemption providing a new licensing category, providing new bases for application denial, providing for fees and other assessments to be set by rulemaking, authorizing the Commissioner of the Department of Insurance, Securities, and Banking to contract with third parties to collect fees and administer tests related to the licensing of mortgage brokers, lenders and loan originators, and conforming other sections with the new licensing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mortgage Lender and Broker Congressional Review Emergency Amendment Act of 2009".

Sec. 2. The Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 26-1101) is amended as follows:

Note,
§ 26-1101

(1) Paragraph (1) is amended by striking the phrase "to be occupied by the borrower as the borrower's primary residence".

(2) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "Clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

"(1B) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking."

(3) New paragraphs (2A), (2B), and (2C) are added to read as follows:

"(2A) "Conference of State Bank Supervisors" means the professional association of state officials responsible for chartering, regulating, and supervising

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statechartered

commercial and savings banks and state-licensed branches and agencies of foreign banks.

“(2B) “Depository institution” shall:

“(A) Have the same meaning as provided in section 3 of the Federal Deposit Insurance Act, approved September 21, 1950 (64 Stat. 873; 12 U.S.C. § 1813); and

“(B) Include any credit union.

“(2C) “Federal banking agency” means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, or the Federal Deposit Insurance Corporation.”.

(4) Paragraph (5)(A) is amended by striking the phrase “to be occupied by the borrower”.

(5) A new paragraph (5A) is added to read as follows:

“(5A) “Independent contractor” means an individual who is required to obtain and maintain a license under this act to engage in residential mortgage loan origination activities as a loan processor or underwriter.”.

(6) Paragraph (7) is amended by striking the phrase “mortgage lender” and inserting the phrase “mortgage loan originator, loan officer, mortgage lender” in its place.

(7) Paragraph (8) is amended by striking the phrase “mortgage lender” and inserting the phrase “mortgage loan originator, loan officer, mortgage lender” in its place.

(8) A new paragraph (9A) is added to read as follows:

“(9A) “Loan processor or underwriter” means an individual who performs clerical or support duties as an employee of and at the direction of, and subject to the supervision and instruction of, a person licensed, or exempt from licensing, under this act.

(9) Paragraph (12) is amended to read as follows:

“(12) “Mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in section 103(v) of the Truth in Lending Act, approved May 29, 1968 (82 Stat. 147; 15 U.S.C. § 1602(v)), or residential real estate upon which is constructed, or intended to be constructed, a dwelling.”.

(10) New paragraphs (12A-i), (12A-ii), and (12A-iii) are added to read as follows:

“(12A-i)(A) “Mortgage loan originator” or “loan officer” means an individual who:

“(i) Takes a residential mortgage application;

“(ii) Offers or negotiates terms of a residential mortgage loan; or

“(iii) Solicits, or offers to solicit, a mortgage loan on behalf of a borrower for compensation or gain.

“(B) The term shall not include:

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“(i) An individual who is not otherwise described in subparagraph (A) of this paragraph;

“(ii) An individual or entity solely involved in extension of credit relating to timeshare plans, as defined in 11 U.S.C. § 101(53D).

“(iii) An individual who only performs real estate brokerage activities and is licensed or registered in accordance with District of Columbia law, unless the person is compensated by a mortgage lender, a mortgage broker, mortgage loan originator, or loan officer, or by any agent of a mortgage lender, mortgage broker, mortgage loan originator, or loan officer.

“(12A-ii) “Mortgage uniform licensing form” means the SSR application form for mortgage brokers, mortgage lenders, and mortgage loan originators approved by the Commissioner.

“(12A-iii) “Nationwide Mortgage Licensing System and Registry” or “NMLSR” means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators, mortgage lenders, mortgage brokers, and loan officers.”.

(11) New paragraphs (15A) and (15B) are added to read as follows:

“(15A) “Real estate brokerage activity” means any activity that involves offering or providing real estate brokerage services to the public, including;

“(A) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

“(B) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

“(C) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

“(D) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

“(E) Offering to engage in any activity, or act in any capacity, described in subparagraph (A), (B), (C), or (D) of this paragraph.

“(15B) “Registered mortgage loan originator” or “Registered loan officer” means any individual who is:

“(A) A mortgage loan originator or loan officer;

“(B) An employee of:

“(i) A depository institution;

“(ii) A subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

“(iii) An institution regulated by the Farm Credit Administration;

ENROLLED ORIGINAL

and

“(C) Registered with, and maintains a unique identifier through, the NMLSR.”.

(12) Paragraph (16) is repealed.

(13) A new paragraph (16A) is added to read as follows:

“(16A) “SRR” means the limited liability corporation which owns and operates the NMLSR.”.

(14) New paragraphs (17A) and (17B) are added to read as follows:

“(17A) “Takes a residential mortgage loan application” means:

“(A) Recording the borrower’s application information in any form for use in a credit decision; or

“(B) Receiving the borrower’s application information in any form for use in a credit decision.

“(17B) “Unique identifier” means a number or other identifier assigned by protocols established by the NMLSR.”.

(b) Section 3 (D.C. Official Code § 26-1102) is amended as follows:

Note,
§ 26-1102

(1) Paragraph (10) is amended by striking the phrase “; and” at the end of the paragraph and inserting a semicolon in its place.

(2) Paragraph (11) is amended by striking the period at the end of the paragraph and inserting the phrase “; and” in its place.

(3) A new paragraph (12) is added to read as follows:

“(12) Persons acting as registered mortgage loan originators, when acting for a federal banking agency.”.

(c) Section 4 (D.C. Official Code § 26-1103) is amended as follows:

Note,
§ 26-1103

(1) Subsection (a) is amended to read as follows:

“(a)(1) No person shall engage in business as a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, mortgage broker, or any permissible combination thereof, unless such person has first obtained a license under this act. Each licensee shall register with and maintain a valid unique identifier issued by the NMLSR.

“(2) Each independent contractor loan processor or underwriter licensed as a mortgage loan originator shall have, and maintain, a valid unique identifier issued by the NMLSR.

“(3) An individual engaging solely in loan processor or underwriting activities, who does not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that such individual can or will perform any of the activities of a mortgage loan originator shall not be required to obtain and maintain a license under this act.”.

ENROLLED ORIGINAL

“(5) Provide proof of compliance with pre-licensure testing and post-licensure continuing education requirements as prescribed by the Commissioner; and

“(6) Comply with any other provision prescribed by the Commissioner.”.

(8) A new subsection (h-1) is added to read as follows:

“(h-1) The Commissioner shall require, by rule, that an applicant, and any such other person as the Commissioner considers appropriate, applying for licensure under this act, submit his name, contact information and other identifying information, fingerprints, written consent to a criminal background check, an independent credit report, and information related to any administrative, civil, or criminal findings by any governmental jurisdiction with the applicant’s application. For the purposes of this act, the Commissioner may use the NMLSR as an agent for requesting information from, and distributing information to, the Federal Bureau of Investigation, the Department of Justice, any governmental agency, or any source so directed by the Commissioner.”.

(9) Subsection (i) is amended as follows:

(A) Subparagraph (1)(A) is amended by striking the phrase “mortgage lenders or mortgage brokers” and inserting the phrase “mortgage lenders, mortgage brokers, mortgage loan originators, or loan officers” in its place.

(B) Paragraphs (2) through (4) are repealed.

(C) A new paragraph (6) is added to read as follows:

“(6) Surety bond requirements shall be prescribed by the Commissioner.”.

(d) Section 5 (D.C. Official Code § 26-1104) is amended as follows:

(1) Subsection (c) is amended by adding a new sentence at the end to read as follows:

Note,
§ 26-1104

“To assist in the performance of the Commissioner’s duties under this act, the Commissioner may contract with a third party, including the SRR, the Conference of State Bank Supervisors, or its affiliates or subsidiaries, to perform any functions, including the collection of licensing and processing fees, collection of contact information and other identifying information, fingerprints, written consent to a criminal background check, personal history and experience, and conduct of examinations related to mortgage loan originator, loan officer, mortgage lender, or mortgage broker activities, that the Commissioner may consider appropriate.”.

(2) Subsection (d)(1) is amended by striking the phrase “mortgage lender or mortgage broker” and inserting the phrase “mortgage lender, mortgage broker, mortgage loan originator, or loan officer” in its place.

(e) Section 8(d) (D.C. Official Code § 26-1107(d)) is amended as follows:

(1) Paragraphs (1) and (2) are repealed.

(2) New paragraphs (3) and (4) are added to read as follows:

Note,
§ 26-1107

“(3) With each renewal application, the applicant shall demonstrate that the applicant continues to meet the minimum standards for license issuance under this act and that the applicant has satisfied the annual continuing education requirements under this act.

ENROLLED ORIGINAL

“(4) With each renewal application, the applicant shall pay all applicable fees and assessments as prescribed by the Commissioner and all third-party fees.”.

(f) Section 10(d) (D.C. Official Code § 26-1109(d)) is amended by striking the phrase “mortgage broker” and inserting the phrase “independent contractor or mortgage broker” in its place.

Note,
§ 26-1109

(g) Section 13 (D.C. Official Code § 26-1112) is amended by adding new subsections (f), (g), (h), and (i) to read as follows:

Note,
§ 26-1112

“(f) To carry out the purposes of this section, the Commissioner may do any of the following:

“(1) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

“(2) Enter into agreements or relationships with other government officials or regulatory associations to improve efficiencies and reduce regulatory burdens by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section;

“(3) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this act;

“(4) Accept and rely on examination or investigation reports made by other government officials within or without the District of Columbia;

“(5) Accept audit reports made by an independent certified public accountant for the licensee, or person subject to this act, in the course of an examination covering the same general subject matter as the audit and may incorporate the audit report in the report of the examination, report of investigation, or other writing of the Commissioner;

“(6) Assess the licensee, or person subject to this act, the cost of the services in paragraph (1) of this subsection.”.

“(g) This section shall remain in effect whether such licensee, or person subject to this act, acts or claims to act under any licensing or registration law of the District of Columbia, or claims to act without such authority.

“(h) No licensee, or person subject to investigation or examination under this section, shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

“(i) All examination fees shall be prescribed by the Commissioner.”.

(h) Section 14 (D.C. Official Code § 26-1113) is amended as follows:

Note,
§ 26-1113

(1) Subsection (a)(1) is amended by striking the phrase “to be occupied by the borrower”.

(2) Subsection (a-1) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

ENROLLED ORIGINAL

“(a-1)(1) Within 3 business days of an application for a non-conventional mortgage loan, the licensee shall provide to the borrower the written disclosures executed by the lender that are required under this section.”.

(B) Paragraph (3)(J) through (L) are amended to read as follows:

“(J) \$ _____/month = Your principal + initial interest + taxes and insurance.

“(K) \$ _____/month = Your principal + adjusted interest + taxes and insurance.

“(L) \$ _____/month = Your principal + maximum interest + taxes and insurance.”.

(C) Paragraph (9) is amended to read as follows:

“(9) Within 5 business days of receiving the information pursuant to this section, the borrower may cancel the application for a mortgage loan with no loss of any security deposit or any other funds applied to guarantee an interest rate, not including reasonable fees incurred to process the application. The borrower shall be notified of this right to cancel at the time the information pursuant to this section is provided.”.

(i) Section 15 (D.C. Official Code § 26-1114) is amended as follows:

Note,
§ 26-1114

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase “mortgage broker or lender” wherever it appears and inserting the phrase “mortgage broker, mortgage lender, mortgage loan originator, or loan officer” in its place.

(B) Paragraph (11) is amended to read as follows:

“(11) Engage in the business as a mortgage loan originator, mortgage lender, loan officer, or mortgage broker, or hold himself out to the public to be a mortgage loan originator, loan officer, mortgage lender, or mortgage broker, without a license under section 5 or without an exemption under section 3.”.

(2) A new subsection (d) is added to read as follows:

“(d) A mortgage loan originator or loan officer required to be licensed under this act shall not:

“(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

“(2) Engage in any unfair or deceptive practice toward any person;

“(3) Obtain property by fraud or misrepresentation;

“(4) Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this act may earn a fee or commission through “best efforts” to obtain a loan even though no loan is actually obtained for the borrower;

“(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

ENROLLED ORIGINAL

“(6) Assist or aid or abet any person in the conduct of business under this act without a valid license as required under this act;

“(7) Fail to make disclosures as required by this act and any other applicable federal or District law, including regulations thereunder;

“(8) Fail to comply with this act or rules promulgated under this act, or fail to comply with any other federal or District law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this act;

“(9) Make, in any manner, any false or deceptive statement or representation, including with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising;

“(10) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the NMLSR or in connection with any investigation conducted by the Commissioner or another governmental agency;

“(11) Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

“(12) Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this act;

“(13) Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer; or

“(14) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.”.

(j) Section 17 (D.C. Official Code § 26-1116) is amended as follows:

Note,
§ 26-1116

(1) The lead-in text is amended by striking the phrase “mortgage lender or mortgage broker” and inserting the phrase “mortgage lender, mortgage broker, mortgage loan originator, or loan officer” in its place.

(2) Paragraph (2) is amended by striking the phrase “lender or broker” and inserting the phrase “mortgage lender, mortgage broker, mortgage loan originator, or loan officer” in its place.

(k) Section 19(b)(2) (D.C. Official Code § 26-1118(b)(2)) is amended by striking the phrase “\$1,000” and inserting the phrase “\$25,000” in its place.

Note,
§ 26-1118

(l) Section 21 (D.C. Official Code § 26-1120) is amended by striking the phrase “mortgage lender or mortgage broker” and inserting the phrase “mortgage lender, mortgage broker, mortgage loan originator, or loan officer” in its place.

Note,
§ 26-1120

(m) New sections 22a, 22b, and 22c are added to read as follows:

“ Sec. 22a. Confidential information.

ENROLLED ORIGINAL

“(a) To assist in the performance of the Commissioner’s duties under this act, the Commissioner may:

“(1) Share documents, materials, or other information, including confidential and privileged documents, materials, or information subject to this act, with other local, state, federal, and international regulatory agencies, with the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

“(2) Receive documents, materials, or information, including confidential and privileged documents, materials, or other information, from the Conference of State Bank Supervisors, SRR, NMLSR, their affiliates, or subsidiaries, or from regulatory and law enforcement officials of foreign or other domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

“(3) Enter into agreements with the entities set forth in paragraph (1) of this subsection governing sharing and use of information consistent with the act; or

“(4) Authorize a national criminal background check and submission of fingerprints and other identifying information, submitted through the NMLSR, and other information with, and receive criminal history record information from, the NMLSR, the Metropolitan Police Department, and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure under this act.

“Sec. 22b. Nationwide Mortgage Licensing System and Registry reporting requirements.

“(a) The Commissioner shall regularly report violations of this act, as well as enforcement actions and other relevant information, to the NMLSR. The reports shall be subject to the provisions of section 22a.

“(b) Each licensee shall submit to the NMLSR reports of condition, which shall be in such form and shall contain such information as the NMLSR may require.

“Sec. 22c. Nationwide Mortgage Licensing System and Registry information challenge process.

“The Commissioner shall establish a process whereby licensees may challenge information entered into the NMLSR by the Commissioner.”.

Sec. 3. Applicability.

Except for section 2(c)(1), (g), (j), and (l), this act shall not apply until the Commissioner of the Department of Insurance, Securities, and Banking (“Commissioner”) has promulgated rules implementing this act. The mortgage loan originator requirements shall not apply until such time as the District of Columbia, through the Commissioner, has become a part

ENROLLED ORIGINAL

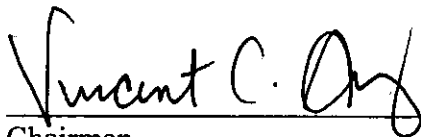
of the Nationwide Mortgage Licensing System and Registry ("NMLSR") and the NMLSR is operational to receive and process applications for licensing of District of Columbia loan originators or by December 31, 2009, whichever is later.

Sec. 4. Fiscal impact statement.

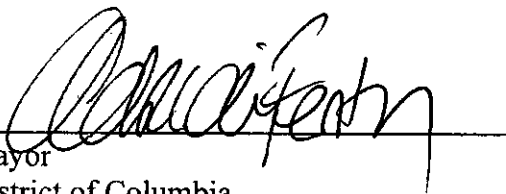
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 29, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.029(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
March 16, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-32IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MARCH 16, 2009*Codification
District of
Columbia
Official Code*

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To amend, on an emergency basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the View 14 project located in Square 2868, Lot 155 in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "View 14 Economic Development Emergency Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4618. View 14 Project tax exemptions."

(b) A new section 47-4618 is added to read as follows:

"§ 47-4618. View 14 Project Tax Exemptions.

"(a) For the purposes of this section, the term:

"(1) "Developer" means L2CP, LLC, its successors, affiliates, and assigns.

"(2) "View 14 Project" means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred of the mixed-use, multi-family residential and retail project under construction on the east side of 14th Street, N.W., between Florida Avenue and Belmont Street, to consist of:

"(A) One hundred and eighty-five units of condominium/apartment house use totaling approximately 173,765 square feet of floor area, including a minimum of 6,000 square feet devoted to affordable housing for residents within an income that is no greater than 80% of the metropolitan Washington, D.C. area media income;

"(B) Approximately 13,903 square feet of retail space; and

"(C) A below-grade parking garage.

"(3) "View 14 Property" means the real property, including any improvements constructed thereon, located on Lot 155, Square 2868, as recorded on Page 68 of Book 201 in the Office of the Surveyor for the District of Columbia (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights

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lots, or any combination in the future).

“(b)(1) The View 14 Property is hereby exempt from real property taxation under Chapter 8 for 20 consecutive years, 10 years at 100% and a 10% increase in years 11 through 20 until the annual real property taxation equals 100%.

“(2) The View 14 Project shall also be exempt from the District of Columbia sales tax on materials used directly for construction of the View 14 Project, which are incorporated into and become a part of the realty, subject to the provisions of §47-1002, providing for exemption of certain real properties.

“(3) The tax exemptions granted by paragraphs (1) and (2) of this subsection shall not exceed, in the aggregate, \$5.7 million.

“(c) The tax exemptions pursuant to subsection (b) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the View 14 Project, the View 14 Property, or the Developer.

“(d) This section shall not prevent or restrict the Developer from utilizing any other tax, development, or other economic incentives available to the View 14 Project, the View 14 Property, or the Developer.

“(e) Nothing in this section shall be construed to limit the owner of the View 14 Property from appealing or contesting its real estate tax assessment.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

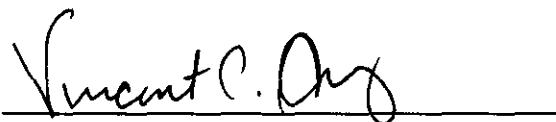
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

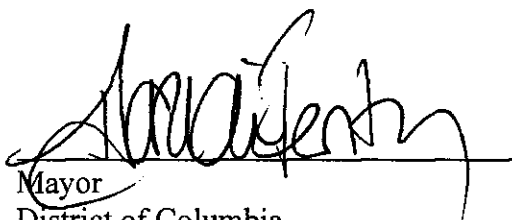
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 16, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 16, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, the Smoke Detector Act of 1978 to require apartment building owners to post notice in conspicuous places in common areas in a building instructing tenants on the operation of a building fire alarm; to notify tenants whether the building fire alarm is connected to smoke alarms in individual apartments, or to fire department and emergency medical services; to maintain a fire safety plan and conduct periodic fire drills; and to instruct tenants to immediately call 911 in the event of a fire.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009".

Sec. 2. Section 6 of the Smoke Detector Act of 1978, effective June 20, 1978 (D.C. Law 2-81; D.C. Official Code § 6-751.05), is amended by adding a new subsection (d) to read as follows:

Note,
§ 6-751.05

"(d)(1) Within 30 days of the effective date of the Fire Alarm Notice and Tenant Fire Safety Emergency Amendment Act of 2009, passed on emergency basis on March 3, 2009 (Enrolled version of Bill 18-168), and in addition to any existing requirements in law or regulation, an owner of a building containing 2 or more dwelling or rooming units shall provide written notice, in a language delineated by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), as necessary, to each tenant by first class mail, and post notice in conspicuous places in common areas of the building, as required in this subsection. Written notice shall also be provided to each new tenant, as required in this subsection. The Mayor shall provide a sample form of the notice required by this subsection.

"(2) The written notice shall include, at a minimum, instructions on the operation of a building fire alarm, whether this alarm is separate from the smoke alarms in individual apartments, and a statement that the building alarm is not necessarily connected to the fire department or emergency rescue, and that, in the event of a fire, they must be contacted immediately by calling 911.

"(3) Failure to post notice as required by this subsection shall be a violation of

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this act, and subject to penalties as provided in this act.

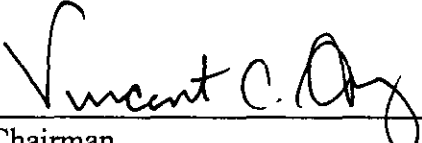
“(4) In addition to the notice required by this subsection, the owner, or the owner’s agent, shall maintain a fire safety plan and conduct fire drills in each building that is subject to the provisions of this subsection, and contains 5 or more units, at least once every 12 months.”.

Sec. 3. Fiscal impact statement.

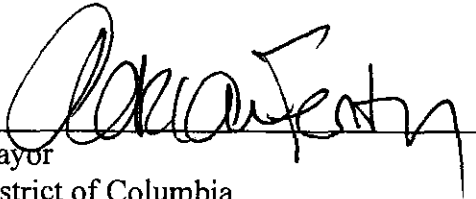
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 16, 2009